

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO - EASTERN DIVISION

Mark A. Prosser and Greta L. Prosser,	:	
	:	
Plaintiffs,	:	Case No. 2:12-CV-0883
	:	
v.	:	
	:	
XTO Energy, Inc., et al.,	:	Judge Gregory L. Frost
	:	
Defendants.	:	
	:	

ORDER OF DEFAULT

Plaintiffs Mark A. Prosser and Greta L. Prosser have moved this Honorable Court for default judgment against Defendant Laurin D. Fronduto, a/k/a Laurin D. Weir, pursuant to Fed. Civ. R. 55(b). *See ECF No. 66*. The Clerk of this Honorable Court previously entered default against Laurin D. Fronduto, a/k/a Laurin D. Weir on June 26, 2014. *See ECF No. 65*.

On April 23, 2014, designated as ECF No. 55 on the docket, Laurin D. Fronduto, a/k/a Laurin D. Weir, was served with a Summons and a copy of the Amended Complaint at 4627 Columbus Way S., St. Petersburg, FL 33712. The Certified Mail receipt was returned “unclaimed” (ECF No. 59). Under Local Rule 4.2(c), ordinary mail service was completed by the clerk upon Laurin D. Fronduto, a/k/a Laurin D. Weir on May 23, 2014 (ECF No. 61).

Defendant has failed to Answer, move, or otherwise plead within the time permitted, and therefore is now in default.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED Plaintiffs’ Motion for Default Judgment against Laurin D. Fronduto, a/k/a Laurin D. Weir is hereby granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED all right, title, and interest in the surface estate and oil and gas minerals, royalty, leasehold interests, and mining interests which are or may be held by Laurin D. Fronduto, a/k/a Laurin D. Weir are hereby quieted and

vested into Plaintiffs Mark A. Prosser and Greta L. Prosser as the current owners of 122.351 acres of real estate in Sections 11 and 12 of Union Township, Belmont County, by virtue of the General Warranty Deed from Countrytyme Grove City Ltd., an Ohio limited liability company, to Mark A. Prosser and Greta L. Prosser, husband and wife, for their joint lives, remainder to the survivor of them, dated January 9, 2009, filed for record January 16, 2009, and recorded in Volume 175, Page 936 of the Belmont County Official Records, and more fully described as follows:

Situated in the Township of Union, County of Belmont and State of Ohio, and known as a part of the Northeast Quarter of Section 11, Township 8, Range 5, and part of the Southeast Quarter of Section 12, Township 8, Range 5, and being all of the following six tracts by Deed, 15.33 acres, Parcel No. 39-00499.000; 50 acres, Parcel No. 39-00501.000; 9.00 acres, Parcel No. 39-00500.00; 49.75 acres, Parcel No. 39-01382.000; 0.60 acre, Parcel No. 39-01384.000; and, 0.847 acre, Parcel No. 39-01387.000, owned by Estate of Ann Marie Hurchot, Deed Volume 801, Page 265, and being described as follows:

Beginning at the Northeast corner of Section 11 at a point in a Bridge and known as the true place of beginning of the tract herein described, thence with the east line of said section, S. $00^{\circ} 56' 10''$ W. 1,757.26 feet to an iron pin found capped Kyer on the east side of Township Road 385.

Thence leaving said section line and crossing said road, S. $55^{\circ} 48' 18''$ W. 1,895.34 feet to a point in a Cherry tree and passing an iron pin found capped Kyer at 1,892.35 feet.

Thence N. $30^{\circ} 02' 20''$ W. 1,476.11 feet to an iron pin found capped Kyer and passing an iron pin found capped Kyer at 3.52 feet.

Thence S. $89^{\circ} 22' 00''$ W. 250.38 feet to an iron pin found capped Hamilton.

Thence N. $15^{\circ} 44' 39''$ E. 305.65 feet to an iron pin found capped Hamilton.

Thence N. $15^{\circ} 44' 39''$ E. 369.89 feet to an iron pin found uncapped.

Thence N. $13^{\circ} 47' 18''$ E. 219.44 feet to an iron pin found uncapped.

Thence N. $09^{\circ} 14' 54''$ E. 341.39 feet to an iron pin found in County Road 72 and

passing an iron pin set at 308.98 feet being a 5/8 inch by 30 inch rebar capped WDM 6048 as are all that are set.

Thence with the centerline of said road, N. 47° 04' 34" E. 455.65 feet to a point in a bridge.

Thence N. 01° 32' 20" W. 32.33 feet to an iron pin found in the creek and on the north line of Section 11.

Thence with said section line N. 89° 52' 33" E. 1,137.44 feet to an iron pin set.

Thence leaving said section line N. 00° 07' 27" W. 30.00 feet to an iron pin set.

Thence N. 75° 07' 18" E. 551.69 feet to a point in County Road 72.

Thence leaving said road, S. 00° 00' 00" W. 83.00 feet to a point in the creek and passing an uncapped iron pin found at 40.25 feet.

Thence with said creek N. 77° 35' 03" E. 99.49 feet to a point in creek.

Thence S. 67° 55' 43" E. 210.46 feet to a point in Township Road 385, and on the East line of Section 12.

Thence with said line, S. 00° 38' 49" W. 29.18 feet to the place of beginning and **containing 122.351 acres** (1.754 acre in Section 12 and 120.597 acres in Section 11).

Surveyed under the supervision of William D. McCullough, Registered Professional Surveyor #6048, in November, 2008. Basis of bearing the North line of Section 11, N. 89° 52' 33" E., by previous survey, but subject to all legal streets and restrictions of record.

Except, however, taxes and assessments now and hereafter a lien, all of which the Grantee hereby assumes and excepting all conditions, leases, restrictions, and easements of record for said premises, subject to all of which this conveyance is made.

Prior Instrument Reference: Book: 172, Page 407 of the Official Records of Belmont County, Ohio.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED there is no just reason for delay in entering judgment, and this is a final appealable order.

Dated this 1st day of July, 2014.

/s/ Gregory L. Frost
Honorable Gregory L. Frost
United States District Judge